

Notice of Allowability

Application No.

10/042,955

Examiner

Gladys JP Corcoran

Applicant(s)

ANDERSON ET AL.

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 4/21/05, Declaration filed 7/8/05.
2. ☒ The allowed claim(s) is/are 1, 3-8, 10-15, 17-27, 29, 30, 32-64.
3. ☒ The drawings filed on 20 May 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 7/6/05.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Gladys JP Corcoran
Primary Examiner
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ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

It is known to form fluid containers with an access member fixed attached to one of the side walls for providing fluid access to the chamber where the container is formed having opposed sidewalls having at least one sidewall with a fluid contacting surface facing the chamber and having fluid pathways on the fluid contacting surface as exemplified by Wilford (US Patent No. 6,715,644), Niedospial, Jr. (US Patent No. 5,728,086), Tomic (US Patent No. 5,743,435), and Richter (US Patent No. 4,893,731). However, none of these references teach or suggest forming the sidewall from a layered structure formed by adhering first and second non-molten polymeric sheets in an overlap by directing a molten polymeric material into the overlap and texturing a surface of the first or second non-molten sheets with a chill roll to form the fluid pathways.

It is also known in the art to form package materials by providing three laminated layers that are textured to form fluid pathways on the interior of a container as shown by Kristen (US Patent No. Re 34,929). Araki (WO 00/18836) shows it is known in the art to form package materials by extrusion laminating two non-molten sheets with a molten layer in between and utilizing a chill roll. Mainstone (US Patent No. 5,006,056) also shows it is known in the art to extrusion laminate layers while simultaneously embossing with the chill roll. However, the references do not teach or suggest forming the container with an access member fixedly attached to one of the sidewalls for providing

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fluid access to the chamber in combination with the method of forming the laminate sidewalls as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Amendment

2. The declaration filed on July 8, 2005 under 37 CFR 1.131 is sufficient to overcome the Mallik (US Patent No. 6,533,884) and Savage et al. (US Patent No. 6,607,097) references.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gladys JP Corcoran whose telephone number is (571) 272-1214. The examiner can normally be reached on M-F 8am-5:30pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gladys JP Corcoran
Primary Examiner
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GJPC